



House of Representatives

File No. 646

General Assembly

February Session, 2000

(Reprint of File No. 265)

Substitute House Bill No. 5168
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 19, 2000

An Act Concerning Municipal Plans Of Conservation And Development.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes, as amended by section
2 1 of public act 99-117, is repealed and the following is substituted in
3 lieu thereof:

4 (a) The commission shall prepare, adopt and amend a plan of
5 conservation and development for the municipality. Such plan shall
6 show the commission's recommendation for the most desirable use of
7 land within the municipality for residential, recreational, commercial,
8 industrial, conservation and other purposes and for the most desirable
9 density of population in the several parts of the municipality. Such
10 plan shall take into account the state plan of conservation and
11 development adopted pursuant to chapter 297 and shall note any
12 inconsistencies it may have with said state plan. Such plan shall make
13 provision for the development of housing opportunities, including
14 opportunities for multifamily dwellings, consistent with soil types,
15 terrain and infrastructure capacity, for all residents of the municipality

16 and the planning region in which the municipality is located, as
17 designated by the Secretary of the Office of Policy and Management
18 under section 16a-4a. Such plan shall also promote housing choice and
19 economic diversity in housing, including housing for both low and
20 moderate income households, and encourage the development of
21 housing which will meet the housing needs identified in the housing
22 plan prepared pursuant to section 8-37t and in the housing component
23 and the other components of the state plan of conservation and
24 development prepared pursuant to section 16a-26. Such plan may also
25 show the commission's recommendation for a system of principal
26 thoroughfares, parkways, bridges, streets and other public ways; for
27 airports, parks, playgrounds and other public grounds; for general
28 location, relocation and improvement of public buildings; for the
29 general location and extent of public utilities and terminals, whether
30 publicly or privately owned, for water, sewerage, light, power, transit
31 and other purposes; and for the extent and location of public housing
32 projects. Such other recommendations may be made by the
33 commission and included in the plan as will, in its judgment, be
34 beneficial to the municipality. The plan of conservation and
35 development shall be a statement of policies, goals and standards for
36 the physical and economic development of the municipality, and may
37 include all necessary and related maps, explanatory material,
38 photographs, charts or other pertinent data and information relative to
39 the past, present and future trends of the municipality, and may
40 include recommended programs for the implementation of the plan,
41 including a schedule and budget for public capital projects, and a
42 program for enactment and enforcement of zoning and subdivision
43 controls, building and housing codes and safety regulations, plans for
44 implementation of affordable housing and plans for open space
45 acquisition and greenways protection and development. In preparing
46 such plan the commission shall consider the community development
47 action plan of the municipality, if any, the need for affordable housing
48 and the protection of existing and potential public surface and ground
49 drinking water supplies, and may consider physical, social, economic
50 and governmental conditions and trends, including, but not limited to,

51 local, regional and state studies of the human resource, education,
52 health, housing, recreation, social services, public utilities, public
53 protection, transportation and circulation, cultural and interpersonal
54 communications needs of the municipality and the objectives of
55 energy-efficient patterns of development, the use of solar and other
56 renewable forms of energy, and energy conservation. The plan shall be
57 designed to promote with the greatest efficiency and economy the
58 coordinated development of the municipality and the general welfare
59 and prosperity of its people. The commission may prepare and adopt
60 plans for the redevelopment and improvement of districts or
61 neighborhoods which, in its judgment, contain special problems or
62 show a trend toward lower land values. The plan adopted under this
63 section for any municipality that is contiguous to Long Island Sound
64 shall be made with reasonable consideration for restoration and
65 protection of the ecosystem and habitat of Long Island Sound and shall
66 be designed to reduce hypoxia, pathogens, toxic contaminants and
67 floatable debris in Long Island Sound. The plan of any municipality in
68 which a traprock ridge, as defined in section 8-1aa, is located may
69 make recommendations for conservation and preservation of traprock
70 ridgelines, as defined in said section. The commission may adopt the
71 plan of conservation and development by a single resolution or may,
72 by successive resolutions, adopt parts of the plan, whether
73 geographical or functional, and amendments thereto. Prior to adopting
74 the conservation and development plan or any part thereof or
75 amendment thereto, the commission shall file in the office of the town
76 clerk a copy of such plan or part thereof or amendment thereto but, in
77 the case of a district commission, such commission shall file such
78 information in the offices of both the district clerk and the town clerk,
79 and shall hold at least one public hearing thereon, notice of the time
80 and place of which shall be published in a newspaper having general
81 circulation in the municipality at least twice at intervals of not less than
82 two days, the first not more than fifteen days, nor less than ten days,
83 and the last not less than two days prior to the date of each such
84 hearing, which notice shall make reference to the filing of such records
85 in the office of the town clerk, or both the district clerk and the town

86 clerk, as the case may be. Any plan or part thereof or amendment
87 thereto shall, upon adoption by the commission, be filed in the office of
88 the town clerk, but, if it is a district plan or amendment, it shall be filed
89 in the offices of both the district and town clerk, and shall become
90 effective at a time established by the commission, provided notice
91 thereof shall be published in a newspaper having general circulation in
92 the municipality prior to such effective date.

93 (b) [The] At least every ten years the commission shall review the
94 plan of conservation and development [at least once every ten years]
95 and shall adopt [such] a new plan. The commission may adopt
96 amendments to the plan or parts of the plan, in accordance with the
97 provisions of this section, as the commission deems necessary to
98 update the plan. The commission shall appoint a special committee to
99 develop and make recommendations for a new plan of conservation
100 and development. The membership on the committee shall include,
101 but not be limited to, representatives of local boards dealing with
102 zoning, inland wetlands, conservation, recreation, education, public
103 works, finance and general government. Each new plan adopted under
104 this subsection shall not be effective until approved by a vote of the
105 legislative body of the municipality. On and after July 1, 2000, if a
106 commission does not review the plan within said ten years, the chief
107 elected official of the municipality shall submit a letter to the Secretary
108 of the Office of Policy and Management and the Commissioners of
109 Transportation and Economic and Community Development that
110 explains why such review was not conducted. A copy of the letter shall
111 be included in each application by the head of a municipal agency for
112 funding for development of real property submitted to said secretary
113 or commissioners until the plan is reviewed in accordance with this
114 subsection.

115 (c) The commission of any municipality more than twenty per cent
116 of which is existing preservation area, conservation area or rural land,
117 as defined in the state plan of conservation and development adopted
118 pursuant to chapter 297, shall consider as part of its plan of
119 conservation and development the use of cluster development to the

120 extent consistent with soil types, terrain and infrastructure capacity
121 within the municipality.

122 Sec. 2. Section 7-487 of the general statutes is repealed and the
123 following is substituted in lieu thereof:

124 (a) This chapter shall not supersede any other general statute,
125 special act, municipal charter or ordinance, with regard to zoning
126 regulations of the municipality adopted pursuant to section 8-2, or any
127 special act, inland wetlands regulations adopted pursuant to section
128 22a-42a, such environmental regulations, orders, permits or licenses
129 promulgated, issued or adopted by the Commissioner of
130 Environmental Protection or any municipality pursuant to the
131 authority granted under titles 22a and 25, local building requirements,
132 the requirements of any plan of conservation and development for the
133 municipality which has been approved [by a municipal planning
134 commission] pursuant to section 8-23, as amended by this act, or any
135 redevelopment plan or urban renewal plan for the municipality which
136 has been approved by a redevelopment agency pursuant to section 8-
137 127. In addition the physical improvement, use and enjoyment of
138 development property shall be subject to all general statutes, special
139 acts, municipal charters and ordinances and all state or local
140 regulations.

141 (b) No vote, whether taken prior to or subsequent to August 8, 1975,
142 by the legislative body of a municipality pursuant to section 8-2 to
143 exempt municipal property from the regulations prescribed by the
144 zoning commission of such municipality shall apply to development
145 property.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: None

Municipal Impact: Minimal

Explanation**Municipal Impact:**

The bill changes the procedures for adopting municipal plans of conservation including requiring additional municipal officials and committees to be involved in the plans, as well as shift authority for certain duties requiring the plan to be updated every 10 years and makes additional technical changes. These changes are anticipated to result in a minimal workload impact, within municipal resources.

House "A" requires new plans to be adopted every 10 years and allows plans to be amended whenever, eliminates the elimination of filing requirements and has a minimal fiscal impact.

OLR Amended Bill Analysis

sHB 5168 (as amended by House "A")*

AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.**SUMMARY:**

This bill changes the requirements for updating municipal plans of conservation and development, which are advisory documents. Current law requires planning commissions and combined planning and zoning commissions to prepare these plans, review them at least once every 10 years, and amend them as they see fit. The bill requires the commissions to adopt a new plan at least every 10 years and allows them to amend it whenever they see fit.

The bill shifts the authority for approving the new plans from the commissions to the local legislative bodies. The new plans take effect only after these bodies approve them. The bill shifts the responsibility for preparing the new plans from the commissions to special committees, which the commissions must appoint. The committees must include representatives from local boards and agencies, including zoning and conservation commissions, finance and education boards, the inland wetlands agency, and the recreation public works departments.

*House Amendment "A" requires commissions to adopt new plans at least every 10 years, specifies that the legislative bodies must approve these plans, allows the commissions to amend the plans whenever they see fit instead of at least once every 10 years, drops the provision specifying that legislative bodies can adopt successive resolutions adopting parts of a plan, and restores two requirements for filing plans prepared by planning commissions established by special districts.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0